

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

KINETIC SYSTEMS, INC., a California corporation,

Plaintiff,

v.

GRAY CONSTRUCTION, INC., a Kentucky corporation; and **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**, a Connecticut corporation,

Defendants.

Case No. 3:20-cv-00939-JR

ORDER

Andrew L. Paris, Andrew Paris Law, 1500 SW First Ave., Suite 1170, Portland, OR 97210; Daniel L. Duyck, Duyck Law, LLC, 1515 SW 5th Ave., Suite 603, Portland, OR 97201; Christopher J. Kemper, 3481 NW Thurman Street, Portland, OR 97210. Attorneys for Plaintiff.

Eric A. Grasberger, Stoel Rives LLP, 760 SW Ninth Ave., Suite 3000, Portland, OR 97205. Attorney for Defendant.

IMMERGUT, District Judge.

On November 21, 2022, Magistrate Judge Jolie Russo issued her Findings and Recommendation (“F&R”). ECF 39. The F&R recommends that Defendant Gray Construction, Inc.’s (“Gray”) unopposed Motion to Confirm Arbitration Award, ECF 35, be granted. No party filed objections.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 39, is adopted in full. This Court GRANTS Defendant Gray’s Motion to Confirm Arbitration Award and enters judgment: (1) confirming the Final Amended Award pursuant to 9 U.S.C. § 9; (2) awarding Defendant Gray the total sum of \$901,708.70, plus post-judgment interest from the date of entry until paid at the interest rate applicable to federal court judgments, pursuant to 9 U.S.C. § 13; (3) releasing the T-Plant Lien and T-Plant Lien Bond, and the O-Plant Lien and O-Plant Lien Bond; and (4) awarding Defendant Gray its costs and expenses incurred in these proceedings, including attorney’s fees, in accordance with Section 17.4 of the parties’ subcontracts.

IT IS SO ORDERED.

DATED this 13th day of December, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge